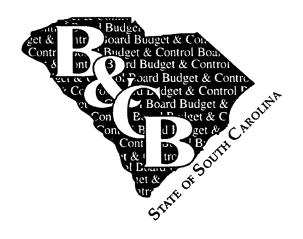
May 17, 2003

State Government News Summary



Prepared by the Budget and Control Board Office of the Executive Director

Kim Lee - Saturday

From: "Michael Sponhour" <msponhour@sc.rr.com>

To: "Kim Lee" <klee@oed.state.sc.us>, "Mike Sponhour" <msponho@oed.state.sc.us>

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Story last updated at 6:34 a.m. Saturday, May 17, 2003

Endorse governor's tax plan

The state Senate should reconsider a proposal for a cigarette tax hike to help offset the budget shortfall and begin to reduce the state's relatively high rate of income tax. An additional cigarette tax of 53 cents recommended by Gov. Mark Sanford offers a realistic plan to ensure that South Carolina can fund its vital Medicaid program.

On Thursday, the cigarette tax plan was derided by Sen. Jake Knotts, R-Lexington, who said the Senate should "let them know we're not going to throw good money at a bad situation." Sen. Knotts contends there is waste in the Medicaid program that hasn't been corrected.

If Sen. Knotts and the other 26 senators who voted against the governor's proposal have their way, the Medicaid program will lose \$170 million in state funds and up to \$400 million in federal money that the state allocation would leverage. There may be shortcomings in Medicaid, but crippling the program isn't the way to deal with them. The program provides medical care for 800,000 South Carolinians.

In addition, the cigarette tax increase would enable the state to begin gradually lowering its income tax rate. Income tax relief would be a welcome development for state residents and, according to Gov. Sanford, would remove a significant barrier to economic development.



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The Senate also voted against a proposal to increase the sales tax from 5 to 7 percent, to balance the budget and add new money for education. Another sales tax plan would use the increase in revenue to eliminate most local government taxes on cars and homes, and to provide \$200 million for public schools. The latter proposal deserves more study, but as part of a comprehensive review of the state's tax system. The waning days of the legislative session is no time to expedite such a farreaching plan.

Sen. Verne Smith, R-Greenville, describes the governor's cigarette tax proposal as the only way to rescue Medicaid next year. Rescuing Medicaid means maintaining health care for hundreds of thousands of South Carolinians. The Senate should reconsider its ill-advised action, and proceed with the governor's proposal for a cigarette tax to raise needed revenue in a tough budget year.





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Changes in store for DMV

Posted Friday, May 16, 2003 - 9:56 pm

Gov. Mark Sanford has proposed a number of reforms that could shorten the long lines at the Division of Motor Vehicles and even save money over the long term. A problem is that Sanford's reforms are likely to cost more money in the short term — at a time when all state agencies, including the DMV, are being asked to cut back substantially.

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Public safety groups also may object to the governor's plan to allow driver's licenses to be renewed on the Internet. A DMV spokesman was unable on Friday to say if that new provision would mean that motorists no longer have to take an eye test every five years.

To his credit, Sanford hopes to reduce lines and turn the DMV into a far more customerfriendly agency. He'll require the DMV to establish Saturday office hours this summer, a peak time, at six offices around the state — including one in Greenville. Excluding two Saturdays near holidays, the proposal would cost \$150,000.

Sanford also will close all DMV offices on May 28 to bring all employees to Columbia for a day focused on improving customer service. That will cost at least \$8,000.

The governor wants to use some current staff as "greeters" at the 39 busiest offices to help direct customers to the appropriate lines.

Sanford also wants all telephones on DMV office counters to be removed so clerks will not be interrupted while helping customers. The downside is that those who call the DMV may get only a recording and have to leave a message.

Beginning in June, Sanford wants to allow a wide array of services — including license renewal — to be conducted by way of the Internet. The DMV will install computers in the 39 busiest offices so that customers can access DMV Internet services.

5/19/2003

By next year, Sanford hopes to save \$2.5 million by using DMV staff to maintain its computers and by having prison inmates maintain buildings.

The DMV, with its long lines, is one of the most frustrating examples of a government agency that doesn't work. Gov. Sanford's DMV reforms should reduce lines and improve customer service, but any reforms must be accompanied by a careful analysis of how new initiatives will improve — or hurt — public safety.



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Former head of state Infrastructure Bank says Sanford trying to derail auto park

Posted Saturday, May 17, 2003 - 12:33 am

By John Boyanoski and Rudolph Bell STAFF WRITERS
The former head of the State Infrastructure Bank says he believes Gov. Mark Sanford is orchestrating attempts to derail work on \$12 million of roads in Greenville that are part of a potential automotive research park.

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"It just makes me sick in my stomach to see a project of this magnitude and this opportunity beginning to move off the charts here in terms of being able to get it done because the governor won't sit down and do what he needs to do to make it work," Howard "Champ" Covington said.

Sanford maintains his goal is to make sure taxpayers are protected from a "sweetheart" deal with the developer and is not trying to stop the road work or the project, said Will Folks, the governor's spokesman.

Covington was chairman of the Infrastructure Bank, which appropriated the \$12 million, for seven years before Sanford replaced him earlier this year.

Rep. Dan Tripp, R-Mauldin, also is questioning Sanford or the May 8 letter sent from the Infrastructure Bank to the City of Greenville recommending it stop the road work on 407 acres of land near the intersection of Laurens Road and Interstate 85.

Tripp said he believes this is an attempt to stop the project that has been under negotiation among the state, Clemson University and a developer, Clifford Rosen.

"The latest move by the Infrastructure Bank is a back channel maneuver to kill the project," Tripp said. "The governor is going down a perilous path that will lead to litigation and cost the state taxpayer money and push back the timetable on the project."

Folks said Tripp is not part of the day-to-day negotiations. He said he doesn't fault Tripp for misunderstanding what the governor is doing.

"We can say two things for sure: It is going to happen and it is going to happen in Greenville," Folks said. "It just may not happen on this site and with this developer because of the way the deal is structured."

Tripp said he believed Sanford's actions are because Rosen donated money to Gov. Jim Hodges, a Democrat defeated by Sanford last November.

"I think he has a vendetta against the developer," Tripp said. "It boils down to this is a payback to a political opponent."

Tripp also questioned why nothing has happened yet on the project. The governor requested 60 days to review the plan in November. Last month, he told *The Greenville News* that negotiations were moving into final stages.

"This whole process has been filled with bad faith on behalf of the governor in an attempt to kill this project," Tripp said.

A wind tunnel as well as a Clemson automotive engineering graduate school have been discussed for the site, but Sanford has questioned the private investment in the project that has been estimated to create 20,000 jobs.

Secretary of Commerce Bob Faith said the state wants to build an automotive research park in Greenville featuring a Clemson graduate school but is not wedded to the developer or the site.

"It's a wonderful site, but the deal isn't good," Faith said.

Faith could not comment on what is being negotiated and what is on the table in the way of funding on both sides. The project has evolved over the past few years from being centered around a wind tunnel to becoming a full research park with private and public development.

"This is a wildly complex deal to end up commenting on pieces of it," Faith said.

John Boyanoski covers the city of Greenville. He can be reached at 298-4065.



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FD TORIA The Post and Courier





Story last updated at 6:34 a.m. Saturday, May 17, 2003

A difficult, but correct, veto

Law-enforcement officers killed in the line of duty in South Carolina certainly deserve a fitting tribute on Statehouse grounds. Law-enforcement officers still doing their hazardous duty deserve sufficient funding, too.

In an extraordinarily tight budget year, the latter state-spending priority should take precedence over the former. That's why Gov. Mark Sanford has vetoed a bill appropriating \$500,000 for a memorial to officers who made the final sacrifice on the thin blue line.

State Rep. Gary Simrill, R-York, co-sponsor of the bill, told The (Columbia) State newspaper that \$500,000 in a \$5 billion budget is a relatively minor expenditure, and argued that the memorial was "well worth the price." Rep. Simrill also predicted that the General Assembly will override the governor's veto.

If it does, that would be a well-intentioned mistake. While the governor supports the memorial concept, and has even offered to help raise private money for it, he correctly points out that this is not the right year to pay for such a project with state revenue.

As Gov. Sanford explained, with the Department of Public Safety and the State Law Enforcement Division struggling to make ends meet, at this point that \$500,000 would be better spent on helping the police who are still alive than on honoring those police who made the final sacrifice to protect and serve.

Surely the officers who gave their lives to enforce the law would agree.



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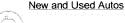


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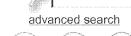
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STATE/REGION The Post and Courier

Story last updated at 6:31 a.m. Saturday, May 17, 2003

S.C. State names Hugine president

Associated Press

ORANGEBURG--Andrew Hugine Jr., who has worked at South Carolina State University for about 30 years, was named the school's new president Friday.

Trustees voted 7-3 to hire Hugine, the school's interim executive vice president, and end a nationwide search that began shortly after former President Leroy Davis announced his retirement early last year.

Hugine applied for the post after trustees expanded their search from a field of six candidates earlier this year.

"I think it had to do a lot with the challenges that the university was facing at that point in time," Hugine said. "That perhaps someone who had been at the university for a period of time would have a different perspective in addressing those challenges."

One of the biggest challenges Hugine faces is about \$4.4 million in budget cuts since outgoing interim President and former state Chief Justice Ernest Finney took over in July. The residence halls also are in poor shape, and other maintenance improvements are needed, said Finney, who will leave July 1.

Hugine said he would seek to start a new campaign to collect money from alumni.

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Posted on Sat, May. 17, 2003

Tobacco deal made for \$200 million

By Tonya Root The Sun News

A \$200 million tobacco lawsuit settlement reached Friday between farmers and major cigarette companies is the first step to a buyout program and will make U.S. tobacco more viable on a world market, farmers said.

"It gives us certainty. There's a lot of uncertainty [in the tobacco market] ... and it will make us much more competitive in the world market," said Greg Hyman, an Horry County tobacco farmer who filed the suit in February 2000. "It's a good opportunity for forward movement in the tobacco industry."

The class action lawsuit filed in 2000 represented about 400,000 farmers and quota holders and accused major tobacco companies of price fixing at tobacco auctions.

The settlement money will be put in trust funds. Some of it will be paid to farmers as part of the settlement, and the rest will pay for lobbying Congress for a tobacco quota buyout, Hyman said.

Defendants who agreed to the settlement Friday were Philip Morris USA, Lorillard Tobacco Co., Brown and Williamson Tobacco Corp., Standard Commercial Corp., Dimon Inc. and Universal Leaf Tobacco Co.

A federal judge must approve the agreement.

The last defendant, R.J. Reynolds Tobacco Co., refused to settle, denied any wrongdoing and pressed the farmers to go to trial, said Hyman, former president of the S.C. Tobacco Growers Association. A trial has not been scheduled, but Hyman said farmers will continue it through the court system.

Johnny Shelley, president of the S.C. Tobacco Growers Association and an Horry County tobacco farmer, said he thinks few farmers know of the lawsuit, but they will reap benefits later.

"The buyout is still a long way away, but this is a step in the right direction," Shelley said. "The money involved here is not a lot in the long run. The main thing is the companies helping and come on board to help us get a buyout."

Philip Morris, the nation's biggest cigarette maker and manufacturer of Marlboros, is responsible for the largest portion of the settlement. It agreed to buy a minimum of 330 million pounds of U.S.-grown tobacco leaf each year for at least 10 years, with adjustments allowed for changes in production requirements.

It will also pay as much as \$145 million to the farmers to settle the lawsuit.

The company denied the allegations in the lawsuit and said it settled to avoid litigation.

Brown & Williamson will buy at least 55 million pounds of U.S. tobacco leaf each year over the next decade and pay \$23 million to the farmers.

Lorillard, based in Greensboro, N.C., agreed to buy 20 million pounds of leaf a year and pay \$20 million.

The agreement by the cigarette companies to purchase more U.S.-grown tobacco helps strengthen farmers' relationships with those companies, Hyman said.

"The idea is not to grow more tobacco to make more cigarettes. They'll make more cigarettes no matter what. Why not make it with American tobacco?" Hyman asked. "We're only producing half of what we can produce, so we're losing money."

More U.S.-grown tobacco also means a safer cigarette without unknown additives for the consumer, Shelley said.

"It also will help the companies and the farmers unite to grow the safest tobacco grown," he said.

The Associated Press contributed to this report.

Contact TONYA ROOT at 248-2149 or troot@thesunnews.com.

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The State.com

Posted on Sat, May. 17, 2003

The ! State

Reprimand reminds prosecutors, public of price of cheating

THE STATE SUPREME Court's recent reprimand of a local solicitor should send an important message to all prosecutors that it will not look the other way if they cut corners in the name of winning convictions. And it should send an important reminder to the public that when killers get their sentences or convictions overturned, it's usually because prosecutors crossed the line and did things they knew they were not allowed to do -- not because judges want to set the bad guys free.

The unanimous court issued a private reprimand to Solicitor Donnie Myers not because of what he did but because of what he didn't do: run an office in such a way that it was clear to his deputies that they had to obey the law. Specifically, he did nothing to make sure the defense was notified that his deputy had eavesdropped on the constitutionally privileged conversation between murderer B.J. Quattlebaum and his attorney.

As the court noted, Deputy Solicitor Fran Humphries informed Mr. Myers within a week that he had heard the conversation and that it included what the court referred to as "two words" that "dramatically enhanced the import of the dialogue." Those two words were so important that, after hearing them, police abandoned plans to resume a lie detector test and immediately charged Mr. Quattlebaum with murder. (We continue to question why no action has been taken against Mr. Humphries, now a prosecutor in Horry County.)

Despite the import of what was overheard, Mr. Myers did not even suggest that Mr. Humphries should share this information with the defense -- as required by law -- until 27 months later, when he found out there was a videotape that proved the misconduct had occurred. In other words, this wasn't a matter of Mr. Myers being unable to control his deputy; it was a matter of his not even attempting to control his deputy, who for some reason apparently did not believe he was required to obey the law.

The court noted that an attorney with "supervisory authority" over other attorneys, such as Mr. Myers, violates court rules if he "knows of (inappropriate) conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action." So, the court wrote, Mr. Myers "should have made sure that Humphries informed the defense immediately, or he could have called defense counsel himself. Immediate notification would have given Quattlebaum twenty-seven more months to protect his rights and would have avoided the necessity of this Court's finding of deliberate prosecutorial misconduct and breach of Quattlebaum's Sixth Amendment right to counsel."

The court might well have added -- although it did not -- that if Mr. Myers had acted appropriately, Mr. Quattlebaum might be on Death Row today, and not facing life behind bars. Just days before the court issued its reprimand, Richland County Solicitor Barney Giese reached an agreement with Mr. Quattlebaum that allowed him to avoid the death sentence in return for pleading guilty to murder. Mr. Giese said that because of the whole mess with the eavesdropping, he had little choice but to offer the deal.

This was not a court that was out to get Mr. Myers, as his supporters argue. Had it wanted to, it could easily have handed out a harsher punishment. It noted that Mr. Myers "has served with distinction for 26

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8,000 march for holiday

Posted Saturday, May 17, 2003 - 11:09 pm

By Jason Zacher and Andy Paras STAFF WRITERS

Low clouds and rain shrouded Greenville's skyline Saturday, but the mist couldn't cover the sight of 8,000 21st-century civil rights protesters lifting fists and songs into the air.

The protesters walked for an hour from the County Courthouse to the parking lot of County Square, where they met another 2,000 people protesting the County Council's refusal to adopt a paid holiday to honor Dr. Martin Luther King Jr.

City police estimated the crowd at County Square at 10,000, by far the largest protest rally ever held in Greenville. They rallied for two hours near a stage set up only yards from the council's chambers.

"We have one thing to say today," said Kweisi Mfume, the national NAACP president. "We're not going to turn around on this issue."

The Rev. Jesse Jackson, who marched at the front of the line with Mfume and television Judge Greg



The march was a sea of signs. (JASON PARKER/Staff)

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Mathis, preached so loudly he was hoarse after his 20-minute speech. He said the council continued a tradition of segregation and slavery.

"Today, we begin a new march," he said, "a march to revive the Southern civil rights struggle."

Many in the crowd jumped and hollered as Jackson spoke. They carried signs demanding "respect, dignity, fairness."

Afterward, he said he was thrilled at the response to the march and rally.

"We've broken a silence here and laid the groundwork for a coalition to address a broad range of issues," Jackson told *The Greenville News.* "The King holiday is about respect."

Mfume warned about the "benign" problem of ignoring civil rights.

"There's a consequence for going against the will of the nation and so many of its people," he said. "It's kind of strange that this one little county, in its own sense of defiance, wants to hold itself out as the last vestige of a philosophy and a thought that most Americans reject."

Respect has been the rallying cry of holiday supporters since the issue was first brought up by Councilwoman Xanthene Norris last October. Breyonda Brewster and Brittany Sledge, both 15, didn't need a megaphone to lead their section in a chant of "Fired up, ready to go."

The Greenville teens said the presidents have their own day and King should too. "He changed the world," Sledge said.

While the County Council can't consider the issue again until next April, Norris said the mass show of support for a holiday could turn the tide.

"Whether or not it happens tomorrow or next week, it's going to make a difference," she said.

Also marching at the front with Jackson and Mfume was Mathis, who has a syndicated court show on television. Mathis rose from a criminal background to become the youngest judge in Detroit history and an active civil rights leader, and his thanks to Jackson for helping him at the rally evoked the biggest reaction from the protesters.

There were no counterprotesters, unlike at the Greenville County Council meetings.

Greenville police Capt. Gary McLaughlin said 8,000 people marched and met another 2,000 at County Square.

When the front of the march reached the top of the Church Street bridge, the end was still near the county courthouse on East North Street.

Along the way, cars backed up in the northbound lanes of Church Street as the marchers came over the bridge. Some drivers applauded, and one even held her cell phone out the window to capture the chants of: "It's not about black or white, it's about wrong or right," "Do the right thing, honor Dr. King," and even the civil rights anthem "We Shall Overcome."

There was a three-car wreck in the northbound lanes after a car struck a stopped car, causing it to strike another car that had stopped because of the march.

Many held yellow NAACP signs. Edward Robinson, 67, of Greenville, who has a son in the military, said, "We need more dignity in Greenville. If I can go to Korea and he can go to the Persian Gulf, then we need to honor Dr. King."

Jim Hennigan, the white Republican from Mauldin who scolded the County Council during the April 1 meeting, wore a yellow "March Volunteer" shirt during the march. He said he didn't expect he'd still be fighting for a King holiday.

"I was hoping it would be over that night," he said. When asked if he would continue fighting actively, he pointed to the black armband supporters have worn for more than a month.

Twelve SLED agents, 15 Greenville police officers and Chief Willie Johnson and 12 state constables were on the scene. Eight other state officers provided security for dignitaries. A few sheriff's deputies were at County Square for the rally.

Most of the marchers were from Greenville and the Upstate, but they were joined by NAACP and Rainbow/PUSH Coalition chapters from Georgia.

Barbara Geter arrived in Greenville from Athens, Ga., to march against what she called injustice. She said it wasn't her first march — that happened in the 1960s — nor would it be her last.

"We're here to make our voices collectively heard," she said. "The funny thing is I think the need is as real today as it was in the '60s."

Atlanta resident Michael Adams, who is originally from Clinton, said he came to show respect for King and support Greenville's blacks.

"County Council is alone in denying the legacy of Dr. King," he said.

Other groups at odds with the County Council also marched Saturday. Members of the Parents and Families of Lesbians and Gays group marched in support the NAACP's fight against the County Council.

"They're discriminating not only against blacks, they're discriminating against women and gay people," said Bill Rowland. "They've done nothing but tore up this community for the last six years or more."

After the rally, while a cadre of security from the Nation of Islam protected them from a throng of autograph-seekers, Jackson and other local leaders like Greenville school board trustee Grady Butler and state Rep. Karl Allen discussed the next steps.

Efia Nwangaza, leader of the Malcolm X Grassroots Movement, was part of the crowd.

"It's easy to mobilize people for a parade," she said. "The question is, can you educate, motivate and organize folk to recognize their own interests and pursue them in a conscious and life-affirming way?"

But for most, Saturday's march and rally was about exercising their rights and telling the County Council they disagree.

"We're here to express ourselves; we're here to do the right thing," Jacqueline R. Jackson of Greenville said.

"We are representing," Jackson said. "They want numbers, they got them."



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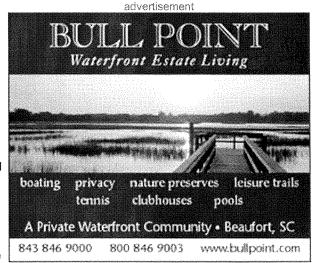
Agencies outline conditions for dredging project

BY JESSICA FLATHMANN, *The Island Packet* Other stories by Jessica Flathmann Published Saturday, May 17th, 2003

Federal and state officials said Friday that the Sea Pines dredging project can begin work again if the South Island Dredging Association comes up with a plan to comply with its permits, but the agencies continue to investigate whether too much dredge spoil ended up in Calibogue Sound.

Officials halted work last week after reports that up to 70 percent of the muck dredged from the dredging association's project ended up in the sound rather than at an offshore dump site.

State officials said Friday that the project's records show that the bottom of the barge hauling the muck offshore was cemented shut to prevent leaking. That meant the doors in the bottom of the barge, which should swing open to dump the spoil at the site, were sealed shut. Instead, the dredge spoil was pumped over the side at the offshore site, the records indicate.



But the state Office of Ocean and Coastal Resource Management has received a complaint from one Lands End resident that instead of being hauled to the offshore site, heavy equipment was used to dump some spoil into the sound.

The U.S. Army Corps of Engineers also oversees the dredging project.

State and federal officials met Friday with representatives of the dredging association, which includes Harbour Town Yacht Basin, Gull Point and South Beach marinas, and the Baynard Cove and Braddock Creek areas of Sea Pines.

Officials said they would decide on any permit violations after they finish reviewing the logs that record the amount of spoil dredged from the bottoms of the creeks and marinas and compare that with the amount dumped at the offshore site near the mouth of Port Royal Sound.

The officials told association representatives Friday that by next week they should have more information about whether a violation occurred or if they need more information from the dredging group.

Dennis Gerwing, spokesman for the dredging association, said Friday that the organization hadn't had time yet to consider what its plan would be. Gerwing represents the Harbour Town Yacht Club boat slip owners association and the limited partnership that owns the Harbour Town Yacht Basin in the association.

"We think we have been in compliance," he said. "We don't think we've been in noncompliance. They have a concern about this overflow issue, and they've asked us if there are some things we can consider (doing). We don't believe there's been any noncompliance or violations."

The association has permission to dredge 200,000 cubic yards of spoil from the marinas and waterways in Sea Pines. Most of the dredging, except for the work in Baynard Cove, has been finished.

Alicia Gregory, spokeswoman for the Corps of Engineers, said the dredging association's plan must be approved by the corps before any work can begin.

"We told them to come back to us with a plan," Gregory said. "Whatever plan they come up with has to meet our criteria."

Gregory would not say what specific issues must be addressed in the plan, but said it had to include how the material gets to the ocean disposal site without having "excessive" spill into Calibogue Sound.

The corps permit allows some spoil to spill into the sound during the dredging work, but it must stop when it reaches an unreasonable level.

Richard Chinnis, the state coastal agency's director of regulatory programs, said Friday that it also would review the plan and determine whether it would lift its stop-work order.

"I think it'd be reasonable to say (that) if they satisfy the corps, they satisfy us, and then they can go back to work," Chinnis said.

Gregory said the corps expected dredging officials to have a plan for the corps to review by next week.

"They won't be able to go back to work unless we feel confident they are in compliance," she said.

Allowing dredging to start again should not be viewed as an indication that the corps believes the dredging association has complied with permits issued for the job, according to Gregory.

"Whether or not they are allowed to go back to work is different than whether they had a violation," she said. "That we're reviewing."

Chinnis said his agency would notify the dredging association by Wednesday whether or not it had violated the permit or whether the agency needed more information to make a decision.

"It may be, 'Here's a big list of questions,' " he said. "We want answers to these questions before finally saying, 'You are in compliance (or) you are not in compliance.' "

Chris Brooks, deputy commissioner of the agency, said Wednesday that the dredging association had violated its state permit based on preliminary examinations of the water in Calibogue Sound near the project site in Sea Pines.

"You've got a lot of black muck up on the beaches and a lot of evidence in the water of heavy silting. ... There will be (punishments). We're just not sure what they're going to be yet," Brooks said then.

Gerwing said Friday that his group hoped to get the issue resolved quickly.

"We all agreed that if they could have the results of their analysis by mid-next week that would be helpful for us," he said.

Both agencies are making their determinations largely based on logs kept by inspector Braxton Kyzer, whose oversight is required under the federal permit. The logs were to be turned in to the corps each week, but Gregory said not all the information was turned in on time. Kyzer turned in the missing information this past week.

Kyzer, who is paid by the dredging association, would not comment Friday.

The logs describe the barge activity for the project. Workers fill the barge with dredged muck and water, which is to be hauled to the offshore site and dumped.

Chinnis said logs show the barge was cemented shut to prevent it from leaking, and once the barge arrived at the offshore site, a pump was used to unload the spoil.

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